REMARKS

Claims 1 through 13, and 65 through 68 are pending in the present application. Claims 66 through 68 are added herein. No new subject matter has been added by these amendments.

In accordance with Rule 607(a), and to supplement Applicants' earlier filed Rule 607(a) request, Applicants request that an interference be declared with U.S. Patent No. 5,207,803 to Holsten *et al.* Applicants propose that the counts of such an interference should be identical to pending claims 65 and 66, i.e. Count 1 should be identical to claim 65, and Count 2 should be identical to claim 66. Applicants' pending claims 1-12, and 65; and Holsten *et al.'s* claims 1-8, 10-24 and 35-37 should correspond to Count 1. Applicants' pending claim 66; and Holsten *et al.'s* claims 9 and 25-34 should correspond to Count 2.

Applicants submit that pending claims 13, 67 and 68, all of which relate to flame retardants and flame retardant diffusion agents, do not interfere with any claims in Holsten *et al.'s* '803 patent. Applicants therefore request that claims 13, 67 and 68 be allowed to issue to Applicants.

The Official Action (Paper No. 11) sets forth two rejections in response to which Applicants submit the following.

Claim Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 65 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner states that claim 65 is indefinite because it claims

both a method of dyeing and the product so dyed. As the method and the product of "old" claim 65 are now the subject of "new" claims 65 and 66, this rejection can now be withdrawn.

In addition, the Examiner states that the language of claim 65 is indefinite because of the word "optionally." Claim 65 has also been amended, and new claims 66-68 have been added, to more clearly claim the subject matter relating both to dyeing and to flame retardant treating the fabric. In particular, claims 65 through 68 respectively claim (a) a method of dyeing, (b) a product dyed according to the claimed method of dyeing, (c) a method of flame retardant treating, and (d) a product prepared by the method of flame retardant treating. Thus, as the indefiniteness of the claims has been resolved, Applicants respectfully submit that this rejection may be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1 through 13 and 65 are rejected, under 35 U.S.C. § 112, first paragraph as failing to define where the alkyl substituents are located on the claimed amides. The amides are N-substituted, as shown by the attached exhibits.

Exhibit A is a copy of page 16 of lab notebook number 1662 of one of the inventors' notebooks. Of particular interest is the structure revealed at the bottom of the page which is an N-substituted amide. Exhibit B is a copy of page number 28 of the same lab notebook referencing, in one instance, "N,N-dimethylbenzamide" and, in another instance, "dimethylbenzamide". It is apparent that the inventor is using the nomenclature "dimethylbenzamide" as a shortened form of N,N-dimethylbenzamide. The same shortened nomenclature has been used in the application for the rest of the compounds taught in the

specification, in particular, in Table 1 and on page 21. As a further example, Exhibit C is a copy of page 31 of the same lab notebook showing a structure for N,N-diethylbenzamide. The inventor has the correct structure drawn, but refers to the compound as merely "diethylbenzamide". Thus, Applicants submit that appropriate evidence is hereby submitted that shows that the amides claimed in Applicants' application are N-substituted such that the §112(2) rejection should be withdrawn.

CONCLUSION

It is believed that pending claims 1-12, 65 and 66 are now patentable to Applicants in accordance with Rule 606. Thus, Applicants renew their previously filed Rule 607(a) Request For Interference between pending claims 1-12, 65 and 66; and claims 1-39 of Holsten *et al.*, U.S. Patent No. 5,207,803.

In addition, Applicants respectfully submit that pending claims 13, 67 and 68 are patentable to Applicants and do not interfere with Holsten *et al.'s* '803 patent. Thus, claims 13, 67 and 68 should be allowed to issue independent of the interference.

If the Examiner has any questions or comments regarding this response, the Examiner is encouraged to telephone one of the undersigned attorneys.

Respectfully submitted,

Stephen R. Risley
Registration No. 35,659
Collen A. Beard
Registration No. 38,824

HOPKINS & THOMAS
Suite 1500
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(404) 951-0931

Docket No.: 1S20-9-050
CB4/1S209050.AMD

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on June 12, 1995.

Signature